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9 Attorneys for Plaintiff

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11 UNITED STATES DISTRICT COURT
12 NORTHERN DISTRICT OF CALIFORNIA
13 OAKLAND BRANCH

14 UNITED STATES OF AMERICA,) No. CR 09-00812 SBA
15 Plaintiff,)
16 v.) STIPULATION AND
17 MCCORL GILMORE, JR.,) ORDER TO CONTINUE STATUS
18 aka Guy Leon McClay,) CONFERENCE TO FEBRUARY 23,
19 Defendant.) 2010
20

21 The above-captioned matter is set on February 2, 2010 before this Court for status
22 conference. The parties request that this Court vacate that date and set this matter for
23 status conference on February 23, 2010 at 9:00 a.m., and that the Court exclude time
24 under the Speedy Trial Act between the date of this stipulation and February 23, 2010.
25 The parties stipulate that the time is excludable from the time limitations of the Speedy
26 Trial Act because the interests of justice are served by granting a continuance, pursuant to
27 18 U.S.C. § 3161(h)(7)(A) and (B)(iv).

28 STIPULATION AND EXCLUSION OF TIME
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Such continuance is required because the parties need to research the potential consequences of Mr. Gilmore's prior criminal convictions as they relate to the career offender provisions of the Sentencing Guidelines, and the potential applicability of other sentencing enhancements under 18 U.S.C. § 3559. Additionally, government counsel was out of the district for training the week of January 25 through 29, 2010. This continuance will allow the reasonable time necessary for effective preparation, taking into account the exercise of due diligence.

8 As such, the parties respectfully request that the time between February 2, 2010
9 and February 23, 2010 be excluded under U.S.C. § 3161(h)(7)(A) and (B)(iv).

10 DATED: February 3, 2010

JOSEPH P. RUSSONIELLO
United States Attorney

/s/ *Christina McCall*
CHRISTINA McCALL
Assistant United States Attorney

/s/ J. Frank McCabe
J. FRANK McCABE
Attorney for McCorl Gilmore, Jr.

ORDER

18 Based on the reason provided in the stipulation of the parties above, the Court
19 hereby FINDS that for adequate preparation of the case by all parties, and in the interest
20 of justice, pursuant to 18 U.S.C. sections 3161(h)(7)(A) and (B)(iv), an exclusion of time
21 is warranted under the Speedy Trial Act. Based on these findings, IT IS HEREBY
22 ORDERED THAT the hearing is continued until February 23, 2010 at 9:00 a.m., and time
23 is excluded until February 23, 2010.

24 IT IS SO ORDERED.

26 || DATED:2/2/10

Saundra B Armstrong
SAUNDRA BROWN ARMSTRONG
United States District Judge

**STIPULATION AND EXCLUSION OF TIME
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